

REMARKS

Claims 1, 2, and 8 are pending. Claim 5 is cancelled. Claims 1 and 8 are amended to include matter disclosed at least in lines 24-31 on page 11 of the Specification. Claims 21 and 22 are new. No new matter is introduced. Allowance of the claims is respectfully requested.

Rejection of Claims 1, 5 and 8 under 35 U.S.C. § 103(a)

On page 2 the Office Action rejects claims 1, 5 and 8 under 35 U.S.C § 103(b) over U.S. Patent No. 6,240,295 to Kennedy, III et al. (hereafter Kennedy). This rejection is respectfully traversed. The rejection of claim 5 is now moot as it is cancelled.

To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991) and *MPEP* § 2142. Kennedy does not show each and every element as set forth in the claims, does not suggest the identical invention as defined in the claims, and does not suggest the elements arranged as required by the claims.

The rejection of claim 1 is now moot as claim 1 has been amended to include “a processor section including a routines for checking compliance with the proposed rules,” as recited in claim 1. Nowhere in Kennedy teaches or suggests such a limitation. Kennedy simply does not teach or suggest a *processor section* including routines for checking compliance with proposed rules, as in claim 1. Nowhere in Kennedy teaches or suggests an instance where a processor section can check compliance with rules, let alone acknowledgment of those rules. Accordingly, claim 1 is patentable.

Similar to claim 1, the remaining independent claim 8 as amended recites features not taught or suggested by Kennedy. For example, Kennedy does not teach or suggest “proposing rules for governing the association [and] receiving an indication that the proposed rules are acknowledged by a government agency,” as recited in claim 8. Moreover, Kennedy does not teach or suggest “monitoring compliance of cargo containers with the adopted rules.” Consequently, claims 8 is also patentable. Withdrawal of the rejection of claims 1 and 8 over Kennedy is respectfully requested.

Rejection of Claim 2 under 35 U.S.C. § 103(a)

The Office Action rejects claim 2 under 35 U.S.C § 103(a) over Kennedy in view of “Farmer’s Mutual Benefit Association.” (“FBMA”). This rejection is respectfully traversed.

Claim 2 depends from patentable claim 1, and for this reason and the additional features it recites, claim 2 also is patentable. The FBMA document does not cure the defects of Kennedy. Withdrawal of the rejection of claim 2 over Kennedy is respectfully requested.

Moreover, while Applicants acknowledge the holdings of KSR, the prior art must still provide something that would lead one of ordinary skill in the art to modify the references to render the rejected claim 2 obvious. There is nothing in FBMA and Kennedy, when taken together, that achieves this. The FBMA document merely describes the FBMA. It does not have any description relevant to the features of claim 2, such as “an interface to a mutual benefit association...wherein the commercial entities *propose the one or more rules to be acknowledged by the government agency*, and wherein the commercial entities and the government agencies use the interface to...receive information and *products* from the GCCIC system.” (Emphasis added). Consequently, even if the FBMA document did overcome the defects above, Kennedy and FBMA do not render claim 2 obvious.

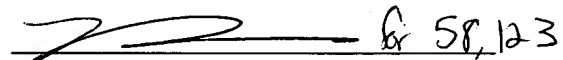
Conclusion

In view of the above remarks, Applicants respectfully submit that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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